

**CITY OF
DOVER**

ZONING BOARD OF ADJUSTMENT - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall
288 Central Avenue, Dover NH 03820
Meeting Date: **Thursday, November 17, 2016**
Meeting Time: **7:00 pm**

1. ATTENDANCE

Members Present: Sam Reid (Chair), Frank Landford, Bob Hall, George Reagan (Alternate), Nicholas Couturier (Alternate)

Members Not Present: Otis Perry (Vice Chair), Chris Prior, Arianna Adams (Alternate)

Staff Present: Elena Piekut (Assistant City Planner), Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:00 p.m. He opened the meeting, introduced the Board and staff members to the audience, and described the process used to hear cases.

2. APPROVAL OF MEETING MINUTES OF OCTOBER 20, 2016

Motion: G.Reagan made a motion to approve the October 20, 2016 Regular Meeting Minutes as submitted. Seconded by F.Landford. Vote U/A

3. HEARINGS

The Chair recognized G.Reagan and N.Couturier to sit in for C.Prior and O.Perry.

- A. Z16-17 Owner Okad of Dover, LLC, 828 Central Avenue (Tax Map 37, Lot 37), located in the Thoroughfare Business (B-3) Zoning District, requests a variance from **Section 170-12.B** of the Zoning Ordinance to permit a front setback of thirty (30) feet where fifty (50) feet is required.

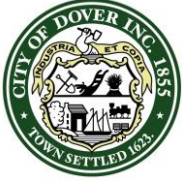
John Arnold of Hinckley, Allen & Snyder, LLP, represented the applicant, displayed plans for viewing and presented the proposed plan. Jim McLean, Tropic Star Development, LLC, and Peter Ellison, TEC Engineering, were also present.

J.McLean explained the intent to address abutter concerns and provide a larger buffer area by locating the parking in the back. He stated their team had a meeting with the abutters to address their concerns.

J.Arnold further explained the proposed plan and addressed the setbacks on the property, the location of the building closer to the lot line to provide parking in the back, and the focus of the development to address a larger buffer for the abutters to minimize impact of the development.

Discussion ensued regarding the uses of the buildings closer to the lot line and that the tenants have not yet been established, clarification of the parking and building location to provide a more attractive streetscape and additional buffer to abutters, the loading area location in the back of the building and a tree line for the abutters, and confirmation that the existing buildings would be demolished and all new buildings would be constructed.

Discussion continued regarding the layout of the plan and cutting in to the sewer easement, the location of the building intended for a restaurant, City owned property and the applicant's intent to lease the property from the City for additional parking and landscaping, clarification of the reason for the variance and that the leased land is extra space for parking and is not needed for the project, and confirmation that the maximum parking requirement has been met and is in keeping with the regulations for retail/restaurant use.



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Public Hearing Opened.

E.Piekut addressed the following:

- The B-3 District table of uses and dimensional regulations distributed to the Board and the new footnote regarding buffer requirements (original in file).
- The maps showing the setback measurements and landscaping in the public right of way (original in file).
- The applicant's intent to provide landscaping and parking on the leased City property.
- For F.Landford that Walgreens maintains their landscaping on City property.
- The letter distributed to the Board from Ken Costello, 4 Page Avenue, which stated his opposition to the project (original in file). She stated K.Costello is not an abutter to the project.
- An overview regarding the Site Review and Planning Board process, and explained there would also be a third party peer review by Sebago Technics and UNH Stormwater Center.

STAFF RECOMMENDATION:

The Planning Department recommends that the Board approve the variance request.

E.Piekut stated the existing four lots do not meet the setbacks, but the proposal would reduce nonconformity. She explained the hardship pertaining to the corner lot and wetlands located in the back, and further suggested the Board could consider adding a condition that the applicant would have to achieve the lease agreement as an option.

Discussion ensued regarding confirmation that the lease pertained to extra parking and was not needed for the project, that the Planning Board would address the landscaping and location of the buildings, and the application would return to the Board for review only if there were changes in the proposal.

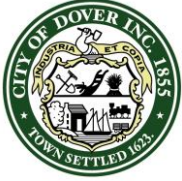
J.Arnold stated there was no intent to move the building, and explained the applicant's obligation to maintain a 50 ft. buffer and that there would be no encroachment to the buffer. He further stated the agreement with the City was not needed for the project.

Discussion ensued regarding the buffer with a fence, the applicant to come to an agreement with the abutters, and an 8 ft. fence would comply.

Public Hearing Closed.

Discussion ensued regarding Board member considerations of the project. B.Hall stated his concern regarding improvement needed on the plan pertaining to the one building with the setback issue.

Motion: F.Landford made a motion to approve the variance as proposed. Seconded by G.Reagan. Vote 4/1
Passed



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E.Piekut reminded the Board of the Meet and Greet meeting on January 10, 2017 to be held at 5:30 p.m. at the McConnell Center cafeteria. There will be a Stewardship Master Plan presentation.

4. ADJOURN

Motion: G.Reagan made a motion to adjourn at 7:35 p.m. Seconded by F.Landford. Vote: U/A